

REMARKS/COMMENTS

Claims 1-9 and new Claims 10-13 are active in the case. Reconsideration is respectfully requested.

Applicants' representative wishes to thank Examiner Keyes for the helpful and courteous interview of April 12, 2006. As a result of the discussion, it is believed that the prosecution of the case has been materially advanced.

The present invention relates to a method of producing an allyl compound.

Specification Amendments

The specification has been amended in order to introduce a new title into the text, which overcomes the objection raised by the Examiner in paragraph 5.

Portions of the text have been amended in order correct minor spelling errors. None of the amendments introduces new matter into the case. Entry of the amendments is respectfully requested.

Abstract of the Disclosure

The text has been provided with a new abstract in reply to the request by the Examiner. Entry of the same is respectfully requested.

Claim Amendments

Claims 1, 2 and 4-6 have been amended in order to improve upon the syntax of the claims and to clarify the claims. Further, the issue that has been raised under 25 USC 112 is believed to have been obviated by the amendments made to Claim 1. None of the amendments that have been made introduce new matter into the claims. Further, new Claims

10-13 are supported by page 34, lines 11-20 and page 58, lines 8-13 of the specification.

Entry of the amendments and the new claims into the record is respectfully requested.

Prior Art Rejection

Claims 1-9 stand rejected based on 35 USC 103(a) as obvious over Zhang et al, '491 alone or in view of Hefner, Jr, U. S. Patent 4,613,703. This ground of rejection is respectfully traversed.

As indicated by the title of the '491 publication, the reference discloses ortho substituted chiral phosphines and phosphinites and their use in catalytic reactions. Most notable by the lack of disclosure is the term, phosphites. Phosphite compounds (with only a few exceptions) are not disclosed in the reference. Of course, the catalyst system of the present process, is a very important aspect of the invention is the particular phosphite compounds of the three formulas mentioned in the claims. The reference discloses at the top of page 5 that a catalyst system is prepared by reacting one of the ligands of the reference with a transition metal salt. Further, the catalyst system disclosed is said to be useful in a wide variety of reactions, as mentioned on page 5 of the text, which reactions include allylic alkylation, an example of which is found on page 53 of the text (Ex. 8) in which a malonic ester anion is reacted with the allylic acetate compound shown in the presence of a Pd catalyst having one of the three ligands disclosed. However, the reference is completely void of any teaching of the three embodiments of phosphite ligands set forth in present Claim 1. The closest the many embodiments of phosphorus containing ligands disclosed come to the phosphite ligands of the present invention appears to be a few of the compounds shown on pages 17, 23, 29 and 35 of the text. However, these compounds do not meet the requirement of the present claims that a diarylene group, as moiety A¹, A² and A³, must have a branched

alkyl group at the ortho position relative to the central -O-A-O- group of each molecule. Accordingly, there is no teaching or suggestion in the many compounds disclosed in the reference of the phosphite ligand embodiments of the present claims.

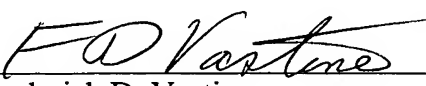
As to the Hefner patent, a reaction is described therein in which an allylic compound is reacted with a hydroxyaromatic compound that functions in the reaction as a nucleophile in the presence of a catalyst. However, the catalyst of the reference is selected from two types which are a quaternary ammonium or a phosphonium compound. There is absolutely no teaching or suggestion of the catalyst system of the present process of a Group 8 to 10 transition metal coordinated with an embodiment of the phosphite ligand of the present invention. Accordingly, the combined references do not obviate the invention as claimed and withdrawal of the rejection is respectfully requested.

It is believed that the application is in condition for allowance. Early notice to this effect is earnestly solicited.

Customer Number
22850

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Frederick D. Vastine
Registration No. 27,013